

**Remarks**

Currently, claims 1-19, 21-22, 24-51, 53-61, and 63-65 remain pending in the present application including independent claims 1, 31, and 53. Pursuant to the restriction requirement set forth in the Office Action, independent claim 70 has been canceled from the present application as drawn to a non-elected invention. Also, independent claims 1, 31, and 53 have been amended to require that the first bonding material applied to the first side of the tissue web has greater penetration into the web than the second bonding material applied to the second side of the tissue web. Support for this amendment can be found in the present application. See e.g., pg. 32, lines 22-25.

The terminal disclaimer filed along with this response obviates the double patenting rejection in view of U.S. Patent No. 7,303,650. As such, Applicants request that this rejection be withdrawn.

The Office Action rejected claims 1-19, 21-22, 24-51, 53-61, and 63-65 under 35 U.S.C. § 102(b), or in the alternative under § 103(a), in view of any of the following U.S. Patents: 6,129,815 to Larson, et al.; 5,674,590 to Anderson, et al.; 6,248,212 to Anderson, et al.; or 5,885,418 to Anderson, et al. Additionally, the Office Action rejected claims 1-66 under 35 U.S.C. § 102(b), or in the alternative under § 103(a), in view of international publication no. WO 99/34060. However, Applicants respectfully submit that none of the cited references teach, or even suggest, all of the limitations required by independent claims 1, 31, and 53.

Each of the cited references fail to teach or suggest the application of the bonding material to one side as a plurality of dots in combination with a bonding material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web. This particular combination of designs of the bonding material, along with creping the first side, produces a tissue web having the claimed properties.

Additionally, none of the cited references teach, or even suggest, the specific combination that the second bonding material is applied to a greater amount of surface area than the first bonding material, and the first bonding material has greater penetration than the second bonding material. Thus, the bonding material applied to a side to cover a greater surface area penetrates less of the web. As taught by the present application, through this process, a paper product is formed having enhanced overall properties.

As the present application teaches, the two-sided properties of the tissue web provide various advantages and benefits. For instance, consumers may find different uses for each side of the web. For example, the untreated, textured side of the web may serve as the surface contacting liquids when cleaning spills and drying surfaces. The smooth side of the web, on the other hand, may be better suited for use in polishing applications. Pg. 8, lines 3-8.

Of particular advantage, it has been further discovered by the present inventors that once the smooth side of the tissue web is wetted, the smooth side becomes highly textured. In particular, for reasons unknown, when wetted, the relatively smooth print-creped side of the web can display increased topography, regaining the original texture of the web. In contrast, previously produced tissue webs that have been print-creped on each side of the web can become relatively flatter and less bulky when wetted, or display no visible repeating 3-dimensional pattern. Pg. 8, line 29 – pg. 9, line 3.

Since the cited references do not teach or suggest this particular combination of bonding material designs on either side of the web, the webs of the cited references do not necessarily have the claimed properties. In fact, none of the cited references teach a tissue product having the specifically claimed different characteristics on each side of the tissue web. Specifically, none of the cited references teach that the first side of the tissue web has a dry surface depth of less than about 0.15 mm and a wetted surface depth of greater than about 0.2 mm, while the second side of the tissue web having a dry surface depth of greater than about 0.2 mm.

The Office Action states that the properties claimed in independent claims 1, 31, and 53 are inherent in the cited references. To establish inherency, the evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. The mere fact that a certain thing *may* occur or be present in the reference is not sufficient. Simply stated, inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. MPEP § 2163.07(a). In this case, Applicants respectfully submit that the Examiner has not met his burden in showing that the cited references disclose a tissue product that must have the claimed properties.

Referring to Larson, et al., a multi-layered wiping product that formed from a process using a multi-layered paper web, printing a bonding agent on both of its outer surfaces, pressing the web so it adheres tightly to a creping surface and lightly to a presser roll, and then creping one of its surfaces is provided. The first bonding material is applied through a pattern metal rotogravure roll to apply an engraved pattern of bonding material to one surface of the web. Then, a second bonding material is applied to the web in a pattern arrangement, which is not necessarily in the same pattern of the bonding material applied to the first side. However, Larson, et al. fails to teach the application of the bonding material to one side as a plurality of dots in combination with the bonding material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web. Additionally, Larson, et al. fails to teach or suggest that the second bonding material is applied to a greater amount of surface area than the first bonding material, and the first bonding material has greater penetration than the second bonding material.

Likewise, Anderson, et al. '212 is directed to a web that can have a bonding material applied to both sides of the web. Although Anderson, et al. '212 discloses that the first bonding material applied to the first side and the second

bonding applied to the second side may or may not have the same pattern, Anderson, et al. '212 fails to teach the application of the bonding material to one side as a plurality of dots in combination with the bonding material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web. Additionally, Anderson, et al. '212 fails to teach or suggest that the second bonding material is applied to a greater amount of surface area than the first bonding material, and the first bonding material has greater penetration than the second bonding material.

For the purposes of this response, Anderson, et al. '590 and '418 are considered cumulative references, since their specifications are substantially the same (Anderson, et al. '418 is a divisional application of Anderson, et al. '590). Both of these patents disclose a web structure having a first and second bonding material applied to the sides of the web in patterns that may or may not be the same. However, as with Larson, et al. and Anderson, et al. '212, these references do not teach nor suggest the application of the bonding material to one side as a plurality of dots in combination with the bonding material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web. Additionally, Anderson, et al. '590 and '418 fail to teach or suggest that the second bonding material is applied to a greater amount of surface area than the first bonding material, and the first bonding material has greater penetration than the second bonding material.

Finally, WO '060 is directed to a web having a binder composition applied to a first side of a web in a pattern occupying from about 20% to about 50% of the surface area of the sheet. A second binder composition can be applied to the opposite side of the sheet in a second pre-selected pattern which may or may not be the same as the first pre-selected pattern. However, like the other cited references, WO '060 fails to teach or even suggest the application of the bonding material to one side as a plurality of dots in combination with the bonding


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material applied to the opposite side such that the bonding material on the opposite side covers a greater amount of surface area than the first bonding material covers on the first side of the tissue web. Additionally, WO '060 fails to teach or suggest that the second bonding material is applied to a greater amount of surface area than the first bonding material, and the first bonding material has greater penetration than the second bonding material.

Applicants submit that the present application is in complete condition for allowance. Should Examiner Fortuna have any questions or issues with respect to this application, however, he is invited to and encouraged to telephone the undersigned at his or her convenience.

Respectfully submitted,  
DORITY & MANNING, P.A.

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Date

  
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